

1 THE HONORABLE JAMES L. ROBART  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 MICROSOFT CORPORATION,

11 Plaintiff,

12 v.

13 MOTOROLA, INC., et al.,

14 Defendants.

16 MOTOROLA MOBILITY, INC., et al.,

17 Plaintiffs,

18 v.

19 MICROSOFT CORPORATION,

20 Defendant.

Case No. C10-1823-JLR

DECLARATION OF CHRISTOPHER  
WILSON IN SUPPORT OF  
MICROSOFT'S OPENING CLAIM  
CONSTRUCTION BRIEF ON ITS '780  
AND '582 COUNTERCLAIM PATENTS

26 DECLARATION OF CHRISTOPHER WILSON  
IN SUPPORT OF MICROSOFT'S OPENING  
CLAIM CONSTRUCTION BRIEF ON ITS '780  
AND '582 COUNTERCLAIM PATENTS - 1

Case No. C10-1823-JLR

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1 I, Christopher Wilson, declare the following:

2 1. I am an attorney licensed to practice law in the state of California and am an  
3 Associate at the law firm of Sidley Austin LLP, counsel for Microsoft Corporation ("Microsoft")  
4 in the above-referenced matter. I make this Declaration in support of Microsoft's Opening  
5 Claim Construction Brief on Its '780 and '582 Counterclaim Patents (the "Brief"). I have  
6 personal knowledge of the facts stated below or know of such facts from my review of the case  
7 file, and if called upon to testify, could and would testify to each of them.

8 2. Attached to this declaration are 17 exhibits used to support statements made in the  
9 Brief. The following is a listing of these exhibits.

10 3. Exhibit A is titled "780 Patent Asserted Claim Language." This exhibit displays  
11 a list of claims from U.S. Patent 6,339,780 (the "'780 Patent"), which Microsoft accuses  
12 Motorola of infringing. The terms in dispute are emphasized. This exhibit is a true and accurate  
13 representation of the document it purports to show.

14 4. Exhibit B is titled "United States Patent, Patent No. 6,339,780." The highlighting  
15 in the exhibit was added by Microsoft's counsel and is not part of the original document. Other  
16 than the highlighting, this exhibit is a true and accurate representation of the '780 Patent.

17 5. Exhibit C is titled "Response to Office Action Dated November 26, 1999." This  
18 exhibit displays amendments and arguments in support thereof made by the patentee in an effort  
19 to allow claims of the pending '780 Patent. This document was submitted to the United States  
20 Patent Office ("USPTO") on March 23, 2000. The highlighting in the exhibit was added by  
21 Microsoft's counsel and is not part of the original document. Other than the highlighting, this  
22 exhibit is a true and accurate representation of the document it purports to show.

23 6. Exhibit D is titled "Response to Office Action Dated September 11, 2000." This  
24 exhibit displays amendments and arguments in support thereof made by the patentee in an effort  
25 to allow claims of the pending '780 Patent. This document was submitted to the USPTO on

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1 December 1, 2000. The highlighting in the exhibit was added by Microsoft's counsel and is not  
2 part of the original document. Other than the highlighting, this exhibit is a true and accurate  
3 representation of the document it purports to show.

4 7. Exhibit E is titled "Response to Final Office Action Dated February 27, 2001."  
5 This exhibit displays amendments and arguments in support thereof made by the patentee in an  
6 effort to allow claims of the pending '780 Patent. This document was submitted to the USPTO  
7 on June 26, 2001. The highlighting in the exhibit was added by Microsoft's counsel and is not  
8 part of the original document. Other than the highlighting, this exhibit is a true and accurate  
9 representation of the document it purports to show.

10 8. Exhibit F is titled "Preliminary Amendment." This exhibit displays amendments  
11 and arguments in support thereof made by the patentee in an effort to allow claims of the  
12 pending '780 Patent. This document was submitted to the USPTO on August 15, 2001. The  
13 highlighting in the exhibit was added by Microsoft's counsel and is not part of the original  
14 document. Other than the highlighting, this exhibit is a true and accurate representation of the  
15 document it purports to show.

16 9. Exhibit G is titled "Notice of Allowability." This exhibit describes the  
17 examiner's reasons for allowing claims of the pending '780 Patent to issue. This document was  
18 executed by the USPTO on September 9, 2001. The highlighting in the exhibit was added by  
19 Microsoft's counsel and is not part of the original document. Other than the highlighting, this  
20 exhibit is a true and accurate representation of the document it purports to show.

21 10. Exhibit H is titled "The Computer Desktop Encyclopedia," authored by Alan  
22 Freedman, and published in 1996. In particular, this exhibit displays pages 354, 418, and 496 of  
23 this document. Terms relevant to the Brief have been highlighted, including the terms  
24 "graphics," "icon," and "loaded." The highlighting in the exhibit was added by Microsoft's  
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1 counsel and is not part of the original document. Other than the highlighting, this exhibit is a  
2 true and accurate representation of the document it purports to show.

3 11. Exhibit I is titled "Webster's Third International Dictionary," edited by Philip  
4 Babcock Grove, and published in 1993. In particular, this exhibit displays pages 1559 and 2557  
5 of this document. Terms relevant to the Brief have been highlighted, including the terms  
6 "obstruct" and "visible." The highlighting in the exhibit was added by Microsoft's counsel and  
7 is not part of the original document. Other than the highlighting, this exhibit is a true and  
8 accurate representation of the document it purports to show.

9 12. Exhibit J is a video displaying the operation of an early web browser. This video,  
10 recorded in March 2012, displays the operation of Microsoft Internet Explorer version 3.0  
11 (4.70.1158), which was commercially available as late as 1996. The video displays this web  
12 browser running on a native Windows 95 (Version 4.00.950) operating system (i.e., the operating  
13 system is not emulated on a later operating system). This version of the Internet Explorer  
14 browser is included in the Windows 95 operating system and, as such, no additional software  
15 was needed to operate the browser. The video was captured using SnapZ Pro (Version 2.3.3)  
16 and annotations were added using Adobe After Effects CS 5.5 (Version 10.5). This video has  
17 been made available in multiple formats, including .AVI (Audio Video Interleave), .WMV  
18 (Windows Media Video) and .MOV (Quicktime), each contain the same content. This exhibit is  
19 a true and accurate representation of the operation of the Microsoft Internet Explorer v. 3.0 web  
20 browser, which was publicly available in 1996.

21 13. Exhibit K is titled "582 Patent Asserted Claim Language." This exhibit displays  
22 a list of claims from U.S. Patent 7,411,582 (the "582 Patent"), which Microsoft accuses  
23 Motorola of infringing. The terms in dispute are emphasized. This exhibit is a true and accurate  
24 representation of the document it purports to show.

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1       14.   Exhibit L is titled "United States Patent, Patent No. 7,411,582." The highlighting  
2 in the exhibit was added by Microsoft's counsel and is not part of the original document. Other  
3 than the highlighting, this exhibit is a true and accurate representation of the '780 Patent.

4       15.   Exhibit M is titled "Amendment and Response to Office Action Dated May 3,  
5 2006." This exhibit displays amendments and arguments in support thereof made by the  
6 patentee in an effort to allow claims of the pending '582 Patent. This document was submitted to  
7 the USPTO on September 5, 2006. The highlighting in the exhibit was added by Microsoft's  
8 counsel and is not part of the original document. Other than the highlighting, this exhibit is a  
9 true and accurate representation of the document it purports to show.

10       16.   Exhibit N is titled "United States Patent, Patent No. 5,760,773." The highlighting  
11 in the exhibit was added by Microsoft's counsel and is not part of the original document. Other  
12 than the highlighting, this exhibit is a true and accurate representation of the U.S. Patent  
13 5,760,773.

14       17.   Exhibit O is titled "Que's Computer and Internet Dictionary, 6th Edition"  
15 authored by Bryan Pfaffenberger, and published in 1995. In particular, this exhibit displays page  
16 252. Terms relevant to the Brief have been highlighted, including the term "icon." The  
17 highlighting in this exhibit was added by Microsoft's counsel and is not part of the original  
18 document. Other than the highlighting, this exhibit is a true and accurate representation of the  
19 document it purports to show.

20       18.   Exhibit P is titled "Microsoft Press Computer Dictionary, Third Edition" and was  
21 published in 1997. In particular, this exhibit displays pages 100, 106, 111, 243, and 508. Terms  
22 relevant to the Brief have been highlighted, including the terms "COM," "component,"  
23 "component software," "computer program," "icon," and "window." The highlighting in this  
24 exhibit was added by Microsoft's counsel and is not part of the original document. Other than  
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1 the highlighting, this exhibit is a true and accurate representation of the document it purports to  
2 show.

3 19. Exhibit Q is titled "Microsoft Computer Dictionary, Fourth Edition" and was  
4 published in 1999. In particular, this exhibit displays page 241. Terms relevant to the Brief have  
5 been highlighted, including the term "interface." The highlighting in this exhibit was added by  
6 Microsoft's counsel and is not part of the original document. Other than the highlighting, this  
7 exhibit is a true and accurate representation of the document it purports to show.

8 I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is true and correct. Executed on March 30, 2012.

10   
11 CHRISTOPHER WILSON

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## **EXHIBITS**

2 Ex. A : '780 patent asserted claim language (with disputed terms highlighted)

3 Ex. B : U.S. Patent No. 6,339,780

4 Ex. C : '780 patent March 23, 2000 Office Action Response

5 Ex. D : '780 patent December 1, 2000 Office Action Response

6 Ex. E : '780 patent June 26, 2001 Office Action Response

7 Ex. F : '780 patent August 15, 2001 Office Action Response

8 Ex. G : '780 patent Notice of Allowability

9 Ex. H : The Computer Desktop Encyclopedia

10 Ex. I : Webster's Third New International Dictionary

11 Ex. J : CD-ROM with video of Internet Explorer browser

12 Ex. K : '582 patent asserted claim language (with disputed terms highlighted)

13 Ex. L : U.S. Patent No. 7,411,582

14 Ex. M : '582 patent Sept 5, 2006 Office Action Response

15 Ex. N : U.S. Patent No. 5,760,773

16 Ex. O : Que's Computer & Internet Dictionary

17 Ex. P : Microsoft Computer Dictionary (3d ed. 1997)

18 Ex. Q : Microsoft Computer Dictionary (4th ed. 1999)

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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 30, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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